

ORDINANCE NO. 2015- -CM
ADDING NEW CHAPTER 113: Body Modification Ordinance

An Ordinance pertaining to and regulating body modification through tattooing and other body art within Tippecanoe County, Indiana, providing for the issuance of permits therefore, and providing penalties for the violation thereof.

Whereas, the Indiana State Department of Health has promulgated a rule requiring local health departments to enforce sanitary requirement with respect to Tattoo and Body Piercing as defined and referenced in Rule 410 IAC 1-5, and the Indiana Occupational Safety and Health Administration Blood borne Pathogens Standard 29 CFR 1910.1030.

NOW THEREFORE, be it ordained that a new Chapter 113 is added to the Tippecanoe County Code and which Chapter will read as follows:

§ 113.001 TITLE. This Ordinance and all Ordinances supplemental or amendatory hereto shall be known as the Body Modification Ordinance of Tippecanoe County, and may be cited as such and will be referenced herein as "this Ordinance"

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§113.003. PURPOSE. Body art is becoming prevalent and popular throughout Indiana. Knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner should be demonstrated to prevent the transmission of disease or injury to the client and body art practitioner. Accordingly, this Ordinance is passed for regulation of the practice of body art in Tippecanoe County as part of the mission of the Tippecanoe County Health Department to protect the health, safety, and welfare of the public.

§113.004. AUTHORITY. This Ordinance is promulgated under the authority granted to the Department under 410 IAC 1-5 Sanitary Operations of Tattoo Parlors and the Department's statutory authority to promote the public health.

§113.005. DEFINITIONS. In addition to the definitions in 410 IAC 1-5 Sanitary Operation of Tattoo Parlors, the following definitions apply throughout this Ordinance:

- A. **AFTERCARE** — Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.
- B. **APPLICANT** — Any person or entity that applies to the Department for either a body art establishment permit or practitioner permit.
- C. **APPRENTICE**---A person learning the trade of tattooing or piercing.
- D. **AUTOCLAVE** — An apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.
- E. **AUTOCLAVING** — A process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.
- F. **BLOODBORNE PATHOGENS STANDARD** — OSHA Guidelines contained in 29 CFR 1910.1030 entitled "Occupational Exposure to Bloodborne Pathogens."
- G. **DEPARTMENT**— The Tippecanoe County Health Department or its agents.
- H. **BODY ART** — The practice of physical body adornment by permitted establishments and practitioners using, including but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Indiana Medical Association or by another regulatory body.
- I. **BODY ART ESTABLISHMENT or ESTABLISHMENT** — A location, place, or business that has been granted a permit by the Department, where the practices of body art are performed, whether or not for profit.
- J. **BODY ART PRACTITIONER or PRACTITIONER** — A specifically identified individual who has been granted a permit by the Department to perform body art in an establishment that has been granted a permit by the Department.
- K. **BRAIDING** — The cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.
- L. **BRANDING** — Inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.
- M. **CLEANING AREA** — The areas in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.
- N. **CLIENT** — A member of the public who requests a body art procedure at a body art establishment.
- O. **CONTAMINATED WASTE** — as provided in 29 Code of Federal Regulation Part 1910.1030, which generally includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood other potentially infectious materials.
- P. **COSMETIC TATTOOING**----Also known as permanent cosmetics, micro-pigment implantation or dermal pigmentation, means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.
- Q. **CRITICAL ITEM** – Any violation noted by the inspector which can contribute to an increase in the potential for illness. Critical items confer a high risk for infection if they are contaminated with any microorganism.

- R. **DISINFECTANT** — A product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).
- S. **DISINFECTION** — The destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- T. **EAR PIERCING** — The puncturing of the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.
- U. **EQUIPMENT** — All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sink, and all other apparatus and appurtenances used in connection with the operation of a body art establishments.
- V. **EXPOSURE** — An event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or body fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.
- W. **HAND SINK** — A lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- X. **HOT WATER** — Water that attains and maintains a temperature over 100 degrees F.
- Y. **INSTRUMENTS USED FOR BODY ART** — Hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.
- Z. **INVASIVE** — Entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa. Procedures such as dermal anchors, which do not fully pierce the skin, are not considered invasive as long as the location on the body is not considered high risk.
- AA. **JEWELRY** — Any ornament inserted into a pierced area, and which must be: made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.
- BB. **LIGHT COLORED** — A light reflective value of 70 percent or greater.
- CC. **MINOR** — Any person under the age of eighteen (18) years.
- DD. **MOBILE BODY ART ESTABLISHMENT** — A mobile establishment or unit that is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal.
- EE. **PERMIT** — Department approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Department approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the Department's jurisdiction.
- FF. **PERSON** — An individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associates, trusts or unincorporated organizations.
- GG. **PHYSICIAN** — An individual licensed as a qualified physician by the Indiana Medical Licensing Board.
- HH. **PROCEDURES SURFACE** — Any surface of an inanimate object that contacts the client's unclothed skin during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area.
- II. **SANITARY** — Clean and free of agents of infection or disease.
- JJ. **SANITIZE** — The process of reducing the number of microorganisms that are on a properly cleaned surface to a safe level. A safe level is defined as 99.999% reduction of the number of disease microorganisms that are of public health importance.
- KK. **SCARIFICATION** — Altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which results in permanently raised wheals or bumps known as keloids.

- LL. SHARPS — Any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.
- MM. SHARPS CONTAINERS — A puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.
- NN. SINGLE USE ITEMS — Products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.
- OO. TATTOOING — Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- PP. TEMPORARY BODY ART ESTABLISHMENTS — A mobile establishment or unit that is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity, and liquid waste disposal; also see the definition of a "mobile body art establishment."
- QQ. TEMPORARY PRACTITIONER (GUEST ARTIST)-Any person who obtains a practitioner permit that will expire fourteen(14) days after the date of issue.
- RR. THREE DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION — The form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other materials, beneath the surface of the skin of a person. This term does not include body piercing.
- SS. ULTRASONIC CLEANING UNIT — A unit approve by the Department, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.
- TT. WORK AREA/WORK STATION – The actual area where a tattoo is being applied, including work surfaces and all sterile equipment being utilized during the application of a tattoo.

§113.006. EXEMPTIONS.

- A. Licensed Physicians who perform body art procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

§113.007. RESTRICTIONS.

- A. No tattooing, piercing of genitalia, branding, or scarification shall be performed on a person under the age of 16.
- B. Tattooing and Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a person properly identified as a parent, legal custodial parent or legal guardian who has signed a form consenting to such a procedure. "Properly identified" shall mean a valid government issued photo identification of the adult and a birth certificate of the minor.
- C. No body art shall be performed on an animal.
- D. The following body piercing are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercing, excluding the nipple; piercing the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of the testicle; so called "deep" piercing of the penis - meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum - meaning piercing through the scrotum, or "transcrotal" piercing, so called "deep" piercing of the vagina.

- E. The following practices hereby are prohibited unless performed by a medical doctor licensed by Indiana: tongue splitting; braiding; three dimensional/beading/implantation tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; and introduction of saline or other liquids.

§ 113.08. APPLICATION FOR BODY ART ESTABLISHMENT PERMIT.

- A. No person may operate a body art establishment except with a valid permit from the Department.
- B. Applications for a permit shall be made on forms prescribed by and available from the Department. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- C. An establishment permit shall be valid from the date of issuance and for no longer than one year, and unless suspended or revoked sooner by the Department.
- D. The Department shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
- (1) Name, address, and telephone number of:
 - (a) The body art establishment;
 - (b) Copy of a photo ID of applicant;
 - (c) The identity of the operator of the establishment; and
 - (d) The identity of body art practitioner(s) working at the establishment.
 - (2) The manufacturer, model number, model year, and serial number of any autoclave used in the establishment.
 - (3) A signed and dated acknowledgement that the applicant has received, read and understood the requirements of this Ordinance.
 - (4) A "to scale" drawing of the floor plan of the proposed establishment for a plan review by the Department, as part of the permit application process.
 - (5) An exposure report plan.
 - (6) Such additional information as the Department may reasonably require.
- E. The annual fee for the body art establishment permit shall be \$300.00 or as may from time to time be established by applicable Ordinance or rule.
- F. A permit for a body art establishment shall not be transferable from one place or person to another.

§ 113.09. APPLICATION FOR BODY ART PRACTITIONER PERMIT.

- A. No person shall practice body art or perform any body art procedure within Tippecanoe County without first obtaining a practitioner permit from the Department. The fee for a practitioner permit shall be \$100.00 or as may from time to time be established by applicable Ordinance or rule.
- B. A practitioner shall be a minimum of 18 years of age.
- C. A practitioner permit shall be valid from the date of issuance and for no longer than one year, and unless suspended or revoked sooner by the Department.
- D. Application for a practitioner permit shall include:
- (1) Name;
 - (2) Date of birth;
 - (3) Residence address;
 - (4) Mailing address;
 - (5) Phone number;
 - (6) Copy of a photo ID of applicant;
 - (7) Place(s) of employment as a practitioner; and
 - (8) Training and/or experience as set out hereunder.
- E. Practitioner training and experience.
- (1) In reviewing an application for a practitioner permit, the Department may consider experience, training and/or certification acquired in this or other states that regulate body art.

- (2) Training for all practitioners shall be approved by the Department and, at a minimum, shall include the following:
 - (a) Bloodborne pathogen training program (or equivalent) which includes infectious disease control, waste disposal, handwashing techniques, disinfection and sterilization methods and techniques; and
 - (b) Current certification in first aid and cardiopulmonary resuscitation (CPR). Examples of courses approved by the Department include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Department for approval.
- (3) The applicant for any permit shall submit evidence satisfactory to the Department of at least two years actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the county.
- F. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of this Ordinance and any other applicable statutes and regulations.
A practitioner's yearly permit fee will be 100.00.
- G. A temporary practitioner (guest artist) must have proof of permit/experience from another jurisdiction and must register to the Department prior to performing body art. A temporary practitioner fee shall be 25.00 per length of stay.
- H. Apprentice permit. An apprentice applicant must not be a minor. The permittee must practice under a permitted practitioner (mentor). The mentor's name shall be included in the application. The apprentice shall only practice in the presence of the mentor.
The annual apprentice permit fee is 10.00.

§ 113.010. INSPECTIONS.

- A. The Tippecanoe County Health Department shall conduct a minimum of two (2) inspections per year of Body Art Establishments permitted under this Ordinance. Additional inspections may be conducted by the Department, as they deem necessary and/or in response to complaints submitted.
- B. Violations noted by the Department shall be corrected immediately by the permittee.
- C. The results of the inspection shall be provided to the establishment.
- D. Inspection reports are public records available to the general public and media.

§113.011. OPERATION OF BODY ART ESTABLISHMENTS. Unless otherwise ordered or approved by the Department, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

- A. Physical Facilities.
 - (1) Walls, floors, ceilings and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors and ceilings shall be maintained in clean condition. All procedure surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized after each client.
 - (2) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
 - (3) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the establishment. Pest control records are to be available during normal business hours.
 - (4) Each operator area shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a divider or partition, at a minimum.

- (5) The establishment shall be well ventilated and provided with an artificial light source adequate for daily operations and sufficient lighting shall be provided at the level where the body art procedure is being performed, where instruments and sharps are assembled, and all cleaning areas.
 - (6) All electrical outlets in operator areas and cleaning shall be equipped with approved ground fault (GFCI) protected receptacles.
 - (7) A separate, readily accessible hand sink with hot and cold running water under pressure, equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
 - (8) There shall be a sharps container in each operator area and each cleaning area.
 - (9) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. A body art establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such body art establishment if Department approved toilet facilities are located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
 - (10) The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow prevention device installed in accordance with applicable plumbing codes.
 - (11) At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, or as needed to prevent overflow. Solid waste shall be stored in covered, leak proof, rodent-resistant containers.
 - (12) A least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non contaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size and equipped with hot and cold running water under pressure.
 - (13) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
 - (14) The establishment shall have an equipment cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
 - (15) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
 - (16) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
 - (17) Smoking, eating, or drinking shall be strongly discouraged in areas where body art is performed and shall not be routinely permitted, with the exception of nonalcoholic fluids and soda crackers being offered to a client during or after a body art procedure.
 - (18) There shall be adequate lighting available for all areas where any modification is occurring.
 - (19) The Department shall have the discretion to issue a permit to a body art establishment that is in operation at the time of the adoption of this Ordinance even if that establishment fails to meet all of the minimum requirements for physical facilities, so long as the establishment meets all this Ordinance's requirements for sanitation and sterilization and the establishment's physical facilities are otherwise configured and maintained in a manner consistent with the purpose of this Ordinance.
- B. Requirements for single use items including inks, dyes and pigments.
- (1) Single-use items shall not be used on more than one client for any reason. After use, single-use sharps shall be immediately disposed of in approved sharps containers.
 - (2) All products applied to the skin, such as but not limited to body art stencils, applicators, and gauze and razors shall be single use and disposable.

- (3) Hollow bore needles or needles with cannula shall not be reused.
- (4) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- (5) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- (6) Any tattooing products, such as dyes and needles, can only be sold to a licensed body art practitioner or establishment.

C. Sanitation and sterilization measures and procedures.

- (1) All nondisposable instruments used for body art, including all reusable solid core needles, pins, and stylets shall be cleaned thoroughly after use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
- (2) After being cleaned, all nondisposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated within an expiration date not to exceed six (6) months.
- (3) The autoclave shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Department. Autoclaves shall be located away from workstations or areas frequented by the public. Cleaning and log books are to be maintained and available for inspection.
- (4) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- (5) All instruments used for body art procedures shall remain stored in sterile packages until just prior or the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments and are to be stored no less than 6" off the floor.
- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing those instruments.
- (7) If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
- (9) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160° F with the use of chlorine disinfectant.

D. Posting requirements. The following shall be prominently displayed:

- (1) A disclosure statement, a model of which shall be available from the Department. A disclosure statement shall be given to each client, advising them of the risks and possible consequences of body art procedures.

- (2) The name, address, and phone number of the Tippecanoe County Health Department.
 - (3) An emergency plan, including:
 - (a) A plan for the purpose of contacting the police, fire or emergency medical services in the event of an emergency.
 - (b) A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - (c) A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
 - (4) An occupancy and use permit as issued by the local building official.
 - (5) A current establishment permit.
 - (6) Each practitioner's permit.
 - (7) It is the responsibility of the operator of the body art establishment to be in possession of most recent Department Ordinance applicable to the establishment.
- E. Establishment recordkeeping. The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Department upon request:
- (1) Establishment information, which shall include:
 - (a) Establishment name;
 - (b) Hours of operation;
 - (c) Owner's name and address;
 - (d) A complete description of all body art procedures performed;
 - (e) An inventory of all instruments and body jewelry, all sharps, and all ink used for any and all body art procedures, including name of manufacturers and serial or lot number, if applicable. Invoices or packing slips shall satisfy this requirement;
 - (f) Copies of waste hauler manifests;
 - (g) Copies of commercial biological monitoring tests;
 - (h) Exposure or injury incident report (kept permanently);
 - (i) A copy of this Ordinance, as it may be updated;
 - (j) Material Safety Data Sheet (MSDS) for all materials.
 - (2) Employee information, which shall include:
 - (a) Full legal names and exact duties;
 - (b) Date of birth;
 - (c) Home address;
 - (d) Home/work phone numbers;
 - (e) Identification photograph;
 - (f) Dates of employment;
 - (g) Hepatitis B vaccination status of declination notification; and
 - (h) Training records.
 - (3) Client information, which shall include:
 - (a) Name, address, and telephone number of the client;
 - (b) Age and valid photo identification of the client;
 - (c) Address of the procedure;
 - (d) Date of the procedure;
 - (e) Name of the practitioner who performed the procedure(s);
 - (f) Description of procedure(s) performed and the location on the body;
 - (g) A signed consent form.
 - (h) If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian. Client information shall be kept confidential at all times.
 - (4) Exposure control plan. Each establishment shall create, update, and comply with an exposure control plan. The plan shall be submitted to the Department for review so as to meet all of the requirements of OSHA regulations, to include, but not be limited to, 29 Code of Federal Regulation

1910.1030 OSHA Bloodborne Pathogens Standards, et seq., as amended from time to time. A copy of the plan shall be maintained at the body art establishment at all times and shall be made available to the Department upon request.

- F. No person shall establish or operate a mobile or temporary body art establishment.
- G. Mobile, temporary, and/or commercial operations of body art establishments are prohibited in private homes and unlicensed facilities are forbidden to operate and are subject to all applicable fines and legal proceedings.
- H. The establishment shall require that all body art practitioners have either completed or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Department upon request.

§113.012. STANDARDS OF PRACTICE. Practitioners are required to comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with universal precautions set forth by the U.S. Center for Disease Control and Prevention.
- B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear-piercing system on any part of the client's body other than the lobe of the ear.
- D. A client health history and client informed consent shall be obtained. Prior to performing a body art procedure on a client, the practitioner shall:
 - (1) Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
 - (a) History of diabetes;
 - (b) History of hemophilia (bleeding);
 - (c) History of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - (d) History of allergies or adverse reactions to pigment, dyes, or other sensitivities;
 - (e) History of epilepsy, seizures, fainting, or narcolepsy;
 - (f) Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - (g) Other conditions such as hepatitis or HIV.
 - (2) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection K.
- E. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants. Masks, in combination with eye protection devices, such as goggles or glasses with solid side shield shall be worn when contamination from splash, spray or droplets of blood can be reasonably anticipated. The owner of the body art establishment shall provide said protection to all employees involved in any at risk procedures.
- F. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection E before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

- G. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- H. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or new sterilized instrument or item before the procedure resumes. Any items that cannot be sterilized such as cords shall be bagged to lower the chance of contamination.
- I. Preparation and care of a client's skin area must comply with the following:
 - (1) Any skin area or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - (2) Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-use blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - (3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with local, state and federal regulations.
- J. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.
- K. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - (1) On proper cleansing of the area which received the body art;
 - (2) To consult a health care provider for:
 - (a) Unexpected redness, tenderness or swelling at the site of the body art procedure;
 - (b) Any rash;
 - (c) Unexpected drainage at or from the site of the body art procedure; or
 - (d) A fever within 24 hours of the body art procedure; and
 - (3) Of the address, and phone number of the establishment. A copy of aftercare instructions shall be provided to the client. A model set of aftercare instructions shall be made available by the Department.
- L. Contaminated waste shall be stored, treated and disposed in accordance with applicable local, state and federal guidelines. It is the responsibility of the operator of the body art establishment to be in possession of the most recent regulation for contaminated waste.

§113.013. EXPOSURE INCIDENT OR INJURY REPORT.

- A. An exposure incident or injury report shall be completed by the close of the business day during which an exposure has or might have taken place or an injury to a client has occurred. That report shall be completed by the involved or knowledgeable body art practitioner for every exposure incident or injury occurring during any body art activity.
- B. Each report shall contain:
 - (1) A copy of the application and consent form for body art activity completed by any client or minor client involved in the exposure incident;
 - (2) A full description of the exposure incident, including the portion of the body involved therein;
 - (3) Instrument(s) or other equipment implicated;
 - (4) A copy of body art practitioner license of the involved art practitioner;

- (5) Date and time of exposure;
- (6) A copy of any medical history released to the body art establishment or body art practitioner; and
- (7) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved; and
- (8) The corrective action plan provided to the client.

§ 113.014. EXPOSURE INCIDENT OR INJURY REPORT FILING. The exposure incident or injury report shall be filed with the department no later than 72 hours after the incident or on the next business day, whichever is less, following the incident or injury.

§ 113.015. INVESTIGATION OF COMPLAINTS.

- A. The Department shall investigate complaints received about an establishment or practitioner's practices or acts which may violate any applicable rule, law, regulation, and this Ordinance (all referred to as "this Ordinance").
- B. If the Department finds that further investigation is not required because the alleged act or practice is not in violation of this Ordinance, then the Department shall notify the complainant, establishment, and practitioner of that finding and the reasons on which it is based.
- C. If the Department finds that an act or practice is in violation of this Ordinance, then the Department shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant, establishment, and practitioner of its action.

§ 113.016. GROUND FOR SUSPENSION, DENIAL, REVOCATION, OR REFUSAL TO RENEW PERMIT.

- A. The Department may suspend a permit, deny a permit, revoke a permit or refuse to renew a permit for a practitioner and an establishment on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation or refusal to renew a permit.
 - (1) Any actions which would indicate that the health or safety of the public would be at risk;
 - (2) Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - (3) Criminal conduct, as evidenced by filing of criminal proceedings and regardless if such charge has resulted in a conviction, and which conduct the Department determines to be of such a nature as to render the establishment, practitioner, or applicant unfit to practice body art;
 - (4) Any present or past violation of the Department's regulations governing the practice of body art;
 - (5) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (6) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit.
 - (7) Continuing to practice while his/her permit is lapsed, suspended, or revoked;
 - (8) Having been disciplined in another jurisdiction by the proper permitting authority for reasons substantially the same as those prohibited by this Ordinance; and
 - (9) Other just and sufficient cause which the Department may determine would render the establishment, practitioner or applicant unfit to practice body art.
- B. The Department shall notify an applicant, establishment or practitioner in writing of any violation of this Ordinance, for which the Department intends to suspend, deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with this Ordinance or the Health Officer's Order. The Department may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply with this Ordinance or the Health Officer's Order after said seven (7) days.
- C. Applicants denied a permit may reapply at any time after denial.

§113.017 PROCEDURES WHEN VIOLATIONS ARE NOTED.

- A. At the time of an inspection any violation(s) discovered by the Health Officer shall be recorded on an

inspection report that is equivalent to the Indiana State Department of Health inspection report.

- B. A copy of the inspection report stating any violation(s) and their corrective dates shall be given to the person-in-charge of the establishment, or the report shall be delivered by mail to the address of the establishment listed on the permit application.
- C. The Health Officer, or the Health Officer's authorized representative, shall have the final approval on all Establishment inspection reports and related documents; and shall reserve the right to make changes as deemed necessary.

§113.018 EMERGENCY CLOSURE.

- A. The Tippecanoe County Health Officer shall issue emergency closure for an Establishment for any of the following reasons:
 - 1. Failure to possess a valid permit required by this Ordinance.
 - 2. The presence of any condition that poses an imminent health hazard or substantial harm to the public health and safety.
- B. Procedure - Any closure Order will be in writing. The Order shall identify the Establishment, describe the specified grounds upon which closure is based, direct the immediate closure of the Establishment and vacating of the premises by clients, list the corrective actions necessary to re-open the Establishment, and state that a hearing on the emergency closure may be requested by the holder of the permit. The order shall be served in person on the holder of the permit, or person in charge of the Establishment.
- C. The Tippecanoe County Health Department may rescind any emergency closure at any time with or without a hearing if it is determined that the reason for the suspension no longer exists.

§113.019 PERMIT REVOCATION.

- A. The Tippecanoe County Health Officer, after providing an opportunity for a hearing shall permanently revoke an Establishment's permit for serious or repeat violation(s) of any of the requirements of any Indiana statutes and regulations or this Ordinance; or, interference with the Health Officer or the Health Officer's agent(s) in the performance of their duties.
- B. Prior to such action, the Health Officer shall provide written notice to the holder of the permit. The notice shall state the reasons for permit revocation and advise the permit holder (permittee) the permit shall be permanently revoked after no less than ten (10) days following service of such notice, unless the permit holder files with the Health Department of Tippecanoe County, Indiana a written request for a hearing. Any hearing request must be filed prior to the date upon which the permit revocation is to become effective. Consistent with the provisions for emergency closure, the permit may be suspended for cause pending its revocation or a hearing.
- C. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.
- D. If no request for a hearing is filed prior to the date the permit revocation is to become effective, revocation of the permit becomes final.

§113.120 PROCEDURE FOR HEARING.

- A. All hearings required under this or any other section, shall be open to the public and held with sufficient written notice to the permittee of time, place, and nature thereof to enable the permittee to appear and participate in the hearing.
- B. At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or the Health Officer's designee. Every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.
- C. Upon the conclusion of such hearing, the Health Officer of the Health Officer's designate shall enter a

final order, subject to the right of appeal to a Court having jurisdiction of the parties and of the subject matter of the appeal.

§113.121 ENFORCEMENT. It shall be the duty of the Health Officer to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. A violation of an order issued by the Health Officer shall be considered to be a violation of this Ordinance and of Indiana Law, when applicable.

§113.122 VIOLATIONS. Whenever the Health Officer determines that any entity subject to the provisions of this Ordinance, is in willful violation of any of the provisions of this Ordinance, in addition to any other remedy or penalty imposed by this Ordinance, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Tippecanoe County, Indiana or the attorney for the Department who shall seek all appropriate legal remedies against the entity or person(s) violating the provisions of this Ordinance.

§113.123 PENALTIES. The Department has determined that one of the most efficient methods of encouraging compliance with ordinances to protect the public health is to assess civil penalties (fines) for violators of laws intended to suppress disease and minimize health risks. For purposes of tracking violations and imposing fines under this Ordinance the Department shall maintain inspection records for not less than one (1) year from the date of any inspection conducted after the effective date of this Ordinance. No fine is payable the first time a violation is noted within any one year period after the effective date of this Ordinance. For a second or subsequent violation of this Ordinance after its effective date, or within one year of the date of an inspection conducted after the effective date of this Ordinance, a civil penalty is payable as provided in this Ordinance.

A. The following civil penalties (fine) shall apply for a violation of this Ordinance which reoccurs for a second or subsequent time within any one year period after the effective date of this Ordinance:

1. The second time the same violation is determined within any one year period, there will be a fine of \$100.00.
2. The third (and subsequent) time the same violation is determined within any one year period, there will be a fine of \$200.00.

B. Each day after the expiration of the time limit for abating any violation of this Ordinance or completing other actions as ordered by the Tippecanoe County Health Department or the Health Officer of the County, shall constitute a distinct and separate offense.

C. All fines shall be payable in full within thirty (30) days of assessment, unless otherwise ordered by the Hearing Officer. Failure to pay fines by the due date will result in an additional ten percent (10%) late fee. No permit is to be issued or renewed until all fines have been paid in full. Any fines and late fees may be collected in any manner provided herein or as provided by law including any law for collection of debts, along with attorney fees incurred to collect said amounts owing and with all costs of collection.

D. Any assessment of a civil penalty by this Ordinance is subject to the right of appeal and a public hearing which will be scheduled, conducted, and concluded as provided in this Ordinance. Any request for an appeal shall be filed in writing with the Health Officer within ten (10) days of assessment of the civil penalty.

§113.124 INJUNCTION. The Health Officer may bring an action for an injunction in the Circuit or any Superior Court of Tippecanoe County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed, or to otherwise enforce this Ordinance.

§113.125 EXPENSE. Any person violating any of the provisions of this Ordinance shall be liable to the Tippecanoe County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

§113.126 CUMULATIVE. The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

BE IT FURTHER ORDAINED that:

1. SEVERABILITY. Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.
2. PARTIAL INVALIDITY. If any term or provision of this Ordinance shall be found to be wholly or partially unenforceable then, notwithstanding same, the remainder of this Ordinance shall remain in full force and effect and such term or provision shall be deemed stricken or modified to the extent required to make the remainder of this Ordinance enforceable.
3. EFFECTIVE DATE. This Ordinance shall be in full force and effect beginning on passage of this Ordinance.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on _____ reading this ____ day of _____, 2015, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Thomas Murtaugh

David Byers

Tracy Brown

ATTEST:

Robert Plantenga,
Auditor of Tippecanoe County